

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORLANDO MINO HERNANDEZ, OSMEL RUBEN
SOSA NAJERA, RAFAEL BASURTO GOMEZ, JOSE
LUIS MENDEZ, MIGUEL MIRANDA and ROSALIO
PEREZ individually and on behalf of others similarly
situated,

20 Civ. 4457-RA

Plaintiffs,

DECLARATION OF
ARIANA MILITELO

-against-

LIRA OF NEW YORK INC (D/B/A LUKE'S BAR &
GRILL), LUIGI MILITELO, TOMMY TIN, JONATHAN
MATEOS, and LUIGI LUSARDI,

Defendants.

ARIANA MILITELO declares under the penalty of perjury pursuant to 28 U.S.C.

§ 1746 as follows:

1. I am employed by Lira of New York Inc. (d/b/a/ Luke's Bar & Grill) as a waitress. I am the daughter of Lira's owner, Luigi MiliteLO. I know Tommy Tin, Lira's head chef, and Jonathan Mateos, Lira's head waiter.

2. I was on duty as a waitress at Luke's Bar & Grill, 1394 Third Avenue, New York, New York, on August 12, 2020. No other servers were on duty at the restaurant that day. A male bartender was on duty but no female bartenders were.

3. At no time on August 12, 2020 did anyone introduce himself to me as a process server.

4. At no time on August 12, 2020 did anyone say to me or in my presence he had papers of any sort for my father or for Mr. Tin or for Mr. Mateos.

5. At no time on August 12, 2020 did anyone attempt to hand any sort of papers to me.

6. I am advised that a process server by the name of Andre Meisel claims he came to the restaurant August 12, 2020 and delivered the Summons and Complaint in this case to an unnamed "person of suitable age and discretion." He describes this person as a white woman with black hair, approximately 45 years old, standing approximately 5'8" and weighing approximately 160 lbs. I do not know anyone who works at the restaurant who fits that description. He certainly cannot have been describing me. I am 28 years old, have brown hair, stand 5'8", and weigh 115 lbs. If Meisel is claiming he delivered the Summons and Complaint to me, he's lying.

7. I am also advised that Meisel claims he asked this so-called person of suitable age and discretion whether my father, Mr. Tin, and Mr. Mateos were in the military service. If Meisel meant to relate a conversation he had with me, he's lying. No one has ever attempted to engage me in conversation about my father's military service or the military service of Mr. Tin or Mr. Mateos. All of my conversations at the restaurant on August 12, 2020 pertained solely to the preparation and service of meals.

I declare the foregoing is true and correct.

Executed at New York, New York, May __, 2021.

ARIANA MILITELO

6. I am advised that a process server by the name of Andre Meisel claims he came to the restaurant August 12, 2020 and delivered the Summons and Complaint in this case to an unnamed "person of suitable age and discretion." He describes this person as a white woman with black hair, approximately 45 years old, standing approximately 5'8" and weighing approximately 160 lbs. I do not know anyone who works at the restaurant who fits that description. He certainly cannot have been describing me. I am 28 years old, have brown hair, stand 5'8", and weigh 115 lbs. If Meisel is claiming he delivered the Summons and Complaint to me, he's lying.

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I declare the foregoing is true and correct.

Executed at New York, New York, May 4, 2021.


ARIANA MILITEO